

one to which I attach much importance. This reason is that in trials for high treason prisoners were not allowed to be defended by counsel, and it was only by an Act passed in the reign of William III., afterwards supplemented by an Act passed in the beginning of the reign of Queen Anne, that prisoners were allowed to be defended by counsel, to ask a prisoner, after his it was the practice, as can be seen by anyone who looks into the state trials at the time when the prisoners were by statute allowed to be defended by counsel, to ask a prisoner, after his counsel had addressed the jury on his behalf, whether he wished to say anything himself, and prisoners either did make statements or abstained from doing so as they thought fit.

"In the famous case of the Cato Street Conspiracy, Thistlewood and several others, after they had been defended by counsel and before the Judge summed up the case were asked whether they wished to add anything to what their counsel had said, and at least one of the prisoners availed himself of the privilege." (Note: see the case of Thistlewood, 33 St. Trials, 894: Four of the other prisoners, namely, Brunt, Ings, Davidson and Tidd, addressed the jury after two speeches by their counsel, Mr. Curwood and Mr. Adolphus.)

"I do not think that was done in the case of the trial of Frost, the Chartist, for high treason at a later period, nor in the few cases of high treason which have since been tried." (Note: In the trial of Collins for high treason, *R. v. Collins* (1832), 5 C. & P. 305, after prisoner's counsel had addressed the jury, Bosanquet, J., informed the prisoner that if in addition to what had been said by his counsel he wished to say anything he was at liberty to do so, and the prisoner made a statement of considerable length.) "But it was certainly the practice in England down to the Cato Street Conspiracy trial that prisoners were allowed in cases of high treason to make statements, and I cannot see why the Act of 1837, the Prisoner's Counsel Act, should be regarded as taking from the prisoners the right to make a statement in cases of felony, while a similar